

**SUBJECT:** Texas Senate redistricting

**COMMITTEE:** Redistricting — favorable, without amendment

**VOTE:** 8 ayes — Hunter, Goldman, Jetton, Landgraf, Morrison, Murr, Schofield, White

6 nays — Rose, Anchia, Guillen, Minjarez, Moody, C. Turner

1 absent — S. Thompson

**SENATE VOTE:** On final passage, October 4 — 20-11 (Alvarado, Blanco, Eckhardt, Gutierrez, Johnson, Menéndez, Miles, Powell, Seliger, West, Whitmire)

**WITNESSES:** For — None

Against — Jerry Vattamala, Asian American Legal Defense and Education Fund (AALDEF); Dave Jones, Clean Elections Texas; Niloufar Hafizi, Engage Action; Devan Allen, Tarrant County Pct 2; Ashley Cheng, TX AAPI Redistricting Coalition; Prerna Bhat, TX AAPI Redistricting Coalition and Wise Up TX; and eight individuals; (*Registered, but did not testify:* Amatullah Contractor, Engage Action; Cyrus Reed, Lone Star Chapter Sierra Club; Andrea Barreiro, Math for Unbiased Maps TX; Carol Wetterauer)

**BACKGROUND:** Under U.S. Const. Art. 1, sec. 2, an actual enumeration of the populations of each state is required every 10 years. This enumeration is carried out by the U.S. Census Bureau, which published results of the most recent census on August 12, 2021, after COVID-19-related delays changed its original plan to deliver redistricting data to the states by March 31.

Texas has a total resident population of 29,145,505 as of April 1, according to the results of the 2020 census. This is an increase of 3,999,944, or 15.9 percent, since the 2010 census. Dividing the resident population of the state by the 31 Texas Senate districts results in an ideal Senate district of 940,178 individuals.

Under Texas Const. Art. 3, sec. 25, the state must be divided into Senate districts of contiguous territory with one senator elected per district.

Under Texas Const. Art. 3, sec. 3, senators must be chosen by qualified voters for four-year terms. A new Senate must be chosen after every apportionment, and the members elected after each apportionment must be divided by lot into two classes. The seats of the first class must be vacated at the expiration of the first two years, and those of the second class at the expiration of four years, so that one half of the senators are chosen biennially thereafter.

**Election dates following redistricting.** Under SB 13 by Huffman, enacted in the second called session of the 87th Legislature and effective December 2, 2021, Election Code sec. 41.0075 establishes dates for the candidate-filing period, general primary election, and primary runoff election for the 2022 election cycle contingent on the dates that applicable redistricting plans become law. Under SB 13, a redistricting plan will be deemed as "becoming law" on the earlier of the date that the governor signs an Act of the 87th Legislature relating to the composition of the State Board of Education, state legislative, or federal congressional districts or the date that the act becomes law without the governor's signature.

**DIGEST:** SB 4 would adopt districts for members of the Senate as described by PLANS2168 on the redistricting computer system operated by the Texas Legislative Council. The district plan would apply beginning with the primary and general elections for Senate seats in 2022.

The bill would state legislative intent that if any county, tract, block group, block, or other geographic area was erroneously omitted, a court reviewing the bill should include that area in the appropriate district in accordance with the Legislature's intent. The bill would supersede all previous enactments or orders and repeal all previous acts of the Legislature adopting districts for the Texas Senate.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect on the 91st day after the last day of the legislative session.